

THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PATRICK J. CHAREST 182262
Plaintiff.

RECEIVED

Vs.

2008 MAR -6 AM 10:22 2:07-CV-984 MHT

SIDNEY WILLIAMS et al.
Defendants.

EDRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MOTION FOR A SPECIFIC RULING IN LAW
AS TO PLAINTIFFS' OUTSTANDING MOTIONS
AND FOR CLARIFICATION OF COURT ORDERS
OR IN THE ALTERNATIVE EXTENSION OF TIME

COMES NOW PATRICK J. CHAREST (Hereinafter "CHARREST") AND
MOVES this Court to GRANT - ENTERTAIN SAID ABOVE STYLED CAUSE
OF ACTION - RELIEF AS SOUGHT; AS FOLLOWS:

§ 1. This Court issued an ORDER for Defendant's to file
AN "ANSWER AND WAIVER REPORT" on December 6TH 2007 - THAT
SAID PLEADING SHOULD BE SERVED ON A BEFORE JANUARY 14TH 2008.

§ 2. This Court then, UPON RECEIPT of Defendant's ANSWER
ISSUED ANOTHER ORDER ON JANUARY 11TH 2008, THAT PLAINT. FF WAS
~~TO~~ TO FILE BY OR BEFORE JANUARY 31ST 2008 - A "RESPONSE" TO
SAID ANSWER - ABSENT CHAREST EVER BEING 1ST SERVED A TRUE &
CORRECT COPY of SAID SAME PLEADING ONLY SERVED this Court.

§ 3. THENCE PLAINTIFF CHAREST FILED BEFORE this Court
his "AMENDMENT AGAINST DEFENDANT'S ATTORNEY FOR FRAUD
UPON THE COURT - PLAINTIFF IN CONTRADICTION TO PROPER SERVICE
& GROSS PREJUDICE CAUSED BY AMBUSH," on JANUARY

29th 2008 which has yet to Ruled upon - thus

Prejudicing said instant case - Chilling Rule 15, Fed. R. Civ. P. hindering Chanest to "Amend" said §1983.

Chanest is duly entitled to a Ruling in Law - to said Request For an "Amendment" by this Court - Prior to such other Adjudications - per se Henceforth.

§4. This Court denied Chanest Joinder of said other Named Plaintiffs White #140147 @ 2:07-CV-1080 MHT; AND Brown #110326 @ 2:07-CV-1123; SUTHER #21067 @ 2:08-CV-0003- AND Burnett #132146 @ 2:08-CV-22-WKW; Carey #~~152763~~ 152763 @ 2:07-CV-1106 to this current ACTION for Class Certification, AND Chanest objected to such prejudicial ACTIONS by this Court to correct ongoing Federal Violations.

§5. Based upon this Court's ORDER of 1-11-08 AS argued IN §2 Above, Chanest filed - requested for an "Extension To Respond ... to Def's DOC #21," primarily due to the Defendants prejudice AS alleged by Chanest in §3 Above, inter alia, which this Court thence issued another ORDER on JANUARY 31st 2008 - granting unto Chanest time through March 7th 2008 to Respond to Defendants "belated, AND otherwise inept Answer, Absent a Written Report, Exhibits, Affidavits, Regulations, Policies AS WAS previously ORDERED by this Court on December 6th 2007.

It was further ordered that Defendants serve a Copy of said ANSWER on Chanest - served upon only the Court.

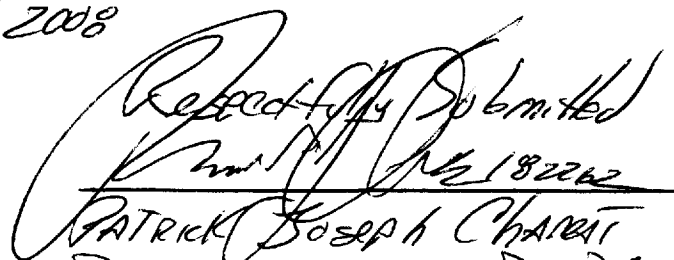
§ 6. UPON RECEIPT OF SUCH ANSWER - CHANEAT
 REVIEWED SAID CONCLUSORY ALLEGATIONS - ATTEMPTING TO
 CONTRADICT THE ORIGINAL §1983 COMPLAINTS FACTS UNDER THE
 PENALTY OF PERJURY - AND FILED A "MOTION FOR CONTINUANCE
 / STAY PERMITTING PLAINTIFF TO CONTEST DEF'S ANSWER,"
 COUPLED WITH CHANEAT'S RULE 56(F) AFFIDAVIT, TO DATE
 SUCH HAS LIKEWISE NOT BEEN ADJUDICATED EITHER,
 LIKENED HIS AMENDMENT MOTION - CAUSING CONFUSING
 PREJUDICE TOWARDS CHANEAT'S ABILITY TO BOTH 1)
 MANAGE SAID §1983 AND 2) PROSECUTE EFFECTIVELY
 SAID TORT ABSENT SUFFICIENT - TIMELY RULINGS.

§ 7. TO DATE, BELOW, CHANEAT HAS NOT RECEIVED ANY
 DISCOVERY, NOTICES OR OTHERWISE FROM EITHER DEFENDANTS
 OR THIS COURT SINCE CHANEAT FILED HIS "CHANGE OF
 ADDRESS - NOTIFICATION ON OR BEFORE FEBRUARY 21ST 2008,"
 SERVING ALL PARTIES THEREON, AND DESIRE TO MAINTAIN THIS
 ACTION EFFECTIVELY UNTIL HE RETURNS TO LIMESTONE C.F. FROM
 THE BALDWIN COUNTY JAIL, thus requests for this Court to
 RULE IN ACCORDANCE WITH THE FUNDAMENTAL PRINCIPLES
 AFFORDED PRO-SE LITIGANTS CONCERNING THE TWO (2)
 ABOVE MOTIONS YET DECIDED - INCLUSIVE TO PERJURY
 GRANTING SAID CONTINUANCE UNTIL DISCOVERY IS COMPLETE
 AS TO FILING ANY RESPONSE TO DEF'S ANSWER?
 3

38. This Court ISSUED AN ORDER ON OR ABOUT FEBRUARY 13TH 2008 - ordering Defendants to either object or otherwise respond to CHARAT'S dual DISCOVERY motions listed as Doc# 41, AND 42 AND to do so before FEBRUARY 27TH 2008 - that too - has now, delay, come and went without Defendants being otherwise obedient to This Court's previous orders.

Wherefore Premises shown - CHARAT prays THAT this Court would issue the necessary orders: 1) AND Rule on Plaintiffs Amendment For (new) Defendants - filed 1-29-08 AND 2) MOTION For CONTINUANCE / STAY - filed with CHARAT'S Rule 56(f) Affidavit on 2-6-08 - order Defendants to Reply - Respond or otherwise ANSWER said dual Motions - AND sanction or compel the Defendants to comply with Court's previous order dated 2-13-08 and this time actually serve copies upon CHARAT affording him proper review of ANY pleadings Defendants file before This Court.

Done so this March 4TH 2008

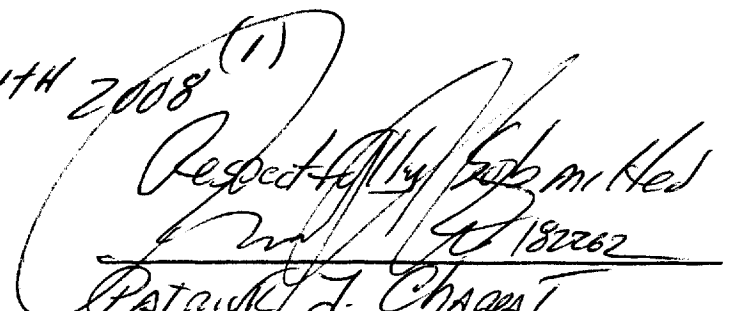
Respectfully Submitted

 PATRICK JOSEPH CHARAT
 PRO-SE # 182262 DOMDCEN 1
 46 BALDWIN COUNTY JAIL
 200 HAND AVENUE
 BRY MINETTE, ALA 36507

Certificate of Service

I Hereby Certify That I have served
a true and correct copy of said same motion
upon Defendants By placing same in the Jail's
Hands for proper delivery & postage prepaid and
addressed as follows:

- 1) Alabama Pardon & Paroles et. al.,
c/o Hon. Hugh Davis et. al.,
301 South Rocky Street
Post Office Box 302405
Montgomery, Alabama
36130

Done so this March 4th 2008⁽¹⁾

Respectfully Submitted

Patrick J. Chaquet
Pro-se # 182262
Baldwin County Jail

Prison Mail Box Rule

See Houston v Lack, 487 U.S. 266 (1988), also Washington vs United States 243 F.3d 1299, 1301 (11th Cir. 2001); Adams vs United States, 173 F.3d 1399, 1341 (11th Cir. 1993); Robinson vs Tanner, 113 F.3d 184, 186 n. 1 (11th Cir. 1986) (Inmates confined in institutions, also, proceeding pro-se - documents delivered - as filed when turned over to Prison, Jail Authorities.).

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Legal MAIL

207CV-984-MHT

36507

Bay Monte, Alabama

200 HAND Avenue

Baldwin County Jail Bldg D cell 1

PATRICK J Chaney BORN# 58234

United States District Court
Attention: Honorable DeLo Hackett,
Post Office Box 711
Montgomery, Alabama

